

MINUTES – NOVEMBER 21, 2000

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 21st day of November, 2000, the Commissioners' Court convened the regular Voting Session at 9:09 AM in the Commissioners' Courtroom, 1st Floor of the Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:08 PM.

The Commissioners' Court reconvened the Voting Session at 1:38 PM.

The Commissioners' Court retired to Executive Session at 1:38 PM.

The Commissioners' Court reconvened the Voting Session at 2:16 PM.

The Commissioners' Court adjourned the Voting Session at 2:19 PM.

PUBLIC HEARINGS

- 1. PUBLIC HEARING TO DISCUSS AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5’ PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 162 AND 163, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (9:10 AM)

Motion by Commissioner Baxter **and seconded by** Commissioner Gómez to open the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Baxter **and seconded by** Commissioner Gómez to close the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: The action Item for Item 1 is Item C5. Please refer to Agenda Item 2 for the Court’s Motion and Vote.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Private Citizen; Austin Dullnig, Private Citizen; and Mary Aleshire, Private Citizen. (9:12 AM)

CONSENT ITEMS

- 2. Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C5, and Items 4, 5.A, B, & C, 6, 9, 12, and 13. (9:26 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** REAPPOINT GILES GARMON TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #12, TERM EFFECTIVE UNTIL DECEMBER, 2002. (NOTE: TO CORRECT EXPIRATION OF TERM AS PREVIOUSLY APPROVED ON 10/31/00, ITEM #C4)
- C4.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: THE SUMMIT AT WEST RIM ON MOUNT LARSON BLOCK C (SHORTFORM PLAT - 4 LOTS - 4.635 ACRES - WEST LAKE PASS - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY WEST CITY OF AUSTIN - CITY OF AUSTIN ETJ).
- C5.** APPROVE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 162 AND 163, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE.

Clerk's Note: Item C5 is the action Item for Item 1.

- 3. CONDUCT NECESSARY FOLLOW-UP TO LOCAL CANVASS OF PRECINCT ELECTION RETURNS FOR STATE, COUNTY, AND PRECINCT OFFICES IN THE NOVEMBER 7, 2000 GENERAL ELECTION. (9:27 AM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; and Mary Aleshire, Private Citizen.

Clerk’s Note: Dana DeBeauvoir, Travis County Clerk, requested permission to waive reading of the precinct by precinct reports for the replacement Precinct 137 report, and submit all reports into the final record of the Court.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the canvass for Precinct 137.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 3 to be reposted on November 28, 2000.

PURCHASING OFFICE ITEMS

- 4. REJECT ALL BIDS RECEIVED FOR THE PROVISION OF ASSORTED CONSTRUCTION SANDS, IFB# B010005-JP, AND RE-SOLICIT (TNR). (9:26 AM)

Item 4 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

PLANNING AND BUDGET OFFICE

5. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:26 AM)
- A. APPROVE GRANT CONTRACT FROM TXU ELECTRIC & GAS CO. FOR THE ENERGY AID PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT.
 - B. APPROVE GRANT CONTRACT FROM THE CORPORATION FOR NATIONAL SERVICE FOR THE RSVP PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT.
 - C. APPROVE GRANT CONTRACT AMENDMENT FROM THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE COPS TECHNOLOGY GRANT IN THE TRAVIS COUNTY SHERIFF'S OFFICE.

Items 5.A, B, and C added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

6. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:26 AM)

Item 6 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

7. WAIVE THE REQUIREMENT OF A PLAT AND A PHASING AGREEMENT FOR A 177.122 ACRE TRACT ADJACENT TO THE ANGEL BAY SUBDIVISION, CONDITIONED ON THE OWNERS COMMITTING TO CERTAIN REQUIREMENTS. (9:10 AM) (9:41 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only.

Item 7 to be reposted on November 28, 2000.

ADMINISTRATIVE OPERATIONS ITEMS

8. REVIEW AND APPROVE THE FOLLOWING LIABILITY CLAIM RECOMMENDATIONS: (9:57 AM)

- A. FELIPE CUEVA - SETTLE**
- B. JACQUISE ISOM - SETTLE**

Clerk’s Note: Items 8.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Items 8.A and B as recommended by the Risk Manager.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

C. JACKIE TOUCHSTONE – DENY (9:57 AM) (1:38 PM) (2:16 PM)

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD; Sherine Thomas, Assistant County Attorney; and Jackie Touchstone, Private Citizen.

Judge Biscoe announced that Item 8.C would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the Risk Managers recommendation in this case, which is to deny.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

9. APPROVE PERSONNEL AMENDMENTS. (9:26 AM)

Item 9 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

OTHER ITEMS

10. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (9:57 AM)

No action necessary on Item 10.

Item 10 to be reposted on November 28, 2000.

11. DISCUSS AND APPROVE BUDGET TRANSFER FOR GASB 34 FUNDING REQUIREMENTS FOR THE AUDITOR’S OFFICE. (10:21 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Joe Gieselman, Executive Manager, TNR; Cyd Grimes, Travis County Purchasing Agent; Joe Harlow, Director, Information and Telecommunications Systems (ITS); and Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Gómez to ask the key Departments, identified in the GASB 34 report, to attend a meeting on Monday, November 27, 2000, at 3:30 PM in this Courtroom, with the Budget Sub-Committee, and PBO Manager or Managers, to discuss individual Department needs to implement GASB 34 next year; that we, in an appropriately worded memo from Christian Smith, PBO, and signed by the Judge, ask the departments to review the recommendation as to FTE needs in that report, supplement that in any way they see fit, and be prepared to discuss it with us.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 11 to be reposted on November 28, 2000.

12. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF SEPTEMBER 2000. (9:26 AM)

Item 12 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

13. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:26 AM)

Item 13 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

EXECUTIVE SESSION ITEMS

Note 1 – Gov’t Code Ann 551.071, Consultation with Attorney

Note 2 – Gov’t Code Ann 551.072, Real Property

Note 3 – Gov’t Code Ann 551.074, Personnel Matters

Note 4 – Gov’t Code Ann 551.076, Security

- 14. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CONTRACTS WITH FLUOR DANIEL, INC., M.W. BUILDERS, GRAEBER, SIMMONS & COWAN AND OTHER CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. ¹ (1:38 PM)
(2:16 PM)

- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. ¹

- C. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; CIVIL ACTION NO. A 00CA021SS; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. ¹

Clerk’s Note: Items 14.A - C are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 14.A - C would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the release of claim and assignment executed by ISEC, which includes ISEC and the Dimension Millworks Incorporated claim. The two of them total \$110,349.08.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 15. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY REGARDING MANAGEMENT CONTRACT FOR TRAVIS COUNTY FARMERS’ MARKET. ¹
(9:10 AM)

Item 15 postponed until November 28, 2000.

- 16. CONSIDER RETAINING OUTSIDE LEGAL COUNSEL TO NEGOTIATE A MODIFICATION TO THE CURRENT TIBURON SOFTWARE CONTRACT FOR THE INTEGRATED JUSTICE SYSTEM (IJS) PROJECT, AND TAKE APPROPRIATE ACTION. ¹ (11:56 AM)

Clerk’s Note: David Escamilla from the County Attorney’s Office advised the Court that this Item needed to be discussed outside of Executive Session in open Court.

Members of the Court heard from: David Escamilla, First Assistant County Attorney; Joe Harlow, Director, ITS; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the hiring of outside legal counsel to assist with this; and that a contract be brought back to the Commissioners’ Court at the appropriate time.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	abstain
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 16 to be reposted on November 28, 2000.

- 17. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT OR COUNTER AWARD OF THE SPECIAL COMMISSIONERS’ HEARING REGARDING PROJECT NO. 97B01-14-2CA, BRATTON LANE, LATERAL SUPPORT EASEMENT; PARCEL NO. 11; JAMES STEPHENS, AND TRAVIS COUNTY, TEXAS. (CONDEMNATION) ¹ (1:38 PM) (2:17 PM)

Judge Biscoe announced that Item 17 would be considered in Executive Session.

Item 17 pulled from the agenda.

18. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND DISCUSS PROPOSED SETTLEMENT AMOUNT REGARDING SUBROGATION CLAIM OF TRAVIS COUNTY IN BOBBY HUCKABY VS. JAMES COSTILLA AND TAKE APPROPRIATE ACTION. ¹ (1:38 PM) (2:17 PM)

Judge Biscoe announced that Item 18 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to accept the settlement offer in the amount of \$1,000.00 to be Travis County’s part.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

19. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING LITIGATION AND MEDIATION AND DESIGNATE A REPRESENTATIVE TO ATTEND MEDIATION IN LAKE AUSTIN SPA INVESTORS, LTD. V. LAKE AUSTIN RESORT, INC., ET AL.; MARY QUINLAN PARK. ¹ (1:38 PM) (2:18 PM)

Judge Biscoe announced that Item 19 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that the Court indicate its general acceptance of the settlement offer that was worked out on November 17, 2000, involving 6 parties involved in this particular lawsuit, and the County Attorney’s Office be authorized to work on the appropriate paperwork to be brought back to the Court for final approval.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 20. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN THE MATTER OF THE AUDITS FOR 1990-1994 AND 1994-1998 (TAXPAYER NO. 1-74-6000192-2; HEARINGS 35,281 AND 38,765; ORTEGA-CARTER). ¹ (1:38 PM) (2:19 PM)

Judge Biscoe announced that Item 20 would be considered in Executive Session.

No action necessary on Item 20.

Item 20 to be reposted on November 28, 2000.

- 21. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR AUTHORIZE APPROVAL OF RIGHT OF ENTRY AGREEMENT REGARDING PROJECT #97B06-21-3CA, STATE HIGHWAY 45 SOUTH; PARCEL NO. 8; DENISE P. TOMLINSON, AND TRAVIS COUNTY, TEXAS. (CONDEMNATION CASE) ¹ (1:38 PM)

Judge Biscoe announced that Item 21 would be considered in Executive Session.

Motion by Commissioner Baxter **and seconded by** Commissioner Gómez to approve the right of entry agreement, and authorize Judge Biscoe to sign the document when it arrives from Mrs. Tomlinson’s attorney.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 22. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT V. CRAZY HORSE LAND CORPORATION AND TAKE APPROPRIATE ACTION. ¹ (1:38 PM) (2:19 PM)

Judge Biscoe announced that Item 22 would be considered in Executive Session.

No action necessary on Item 22.

Item 22 to be reposted on November 28, 2000.

